

# **EXHIBIT B**

**From:** Donovan, David P  
**Sent:** Wednesday, November 18, 2015 4:42 PM  
**To:** Cherry, Steven; Vicky Romanenko; [bherrington@barrettlawgroup.com](mailto:bherrington@barrettlawgroup.com); Don Barrett; Jon Cuneo; [sraiter@larsonking.com](mailto:sraiter@larsonking.com); Evelyn Li; Taylor Asen  
**Cc:** Carome, Patrick; Donovan, David P; Griffith, Dyanne  
**Subject:** RE: ADP 30(b)(6) Notices

Please see email and attachments, which I am sending on behalf of Steve Cherry:

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Counsel,

Attached is a clean version and a redline of Defendants' Rule 30(b)(6) notice of Auto Dealer Plaintiff John Greene that reflects Defendants' further proposed revision to the 30(b)(6) notice in an effort to resolve ADPs' continuing objections, including several topics we are prepared to drop altogether (as indicated) in the event that each respective ADP provides the requested confirmation in an interrogatory. We are prepared to discuss further any of these items if you are prepared to offer a compromise, although we understand from our lengthy telephone conversations with you on Monday and Tuesday of this week that that Auto Dealers are simply unwilling to provide any witness to testify on almost all of these topics under any circumstances.

Please note that, while we have used the notice to John Greene for illustrative purposes, we propose using this revised version with all of the ADPs, although the list of transactions in topic 17 will of course be different for each ADP.

Regards,

Steve

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**From:** Cherry, Steven  
**Sent:** Friday, November 13, 2015 6:14 PM  
**To:** Vicky Romanenko; [bherrington@barrettlawgroup.com](mailto:bherrington@barrettlawgroup.com); Don Barrett; Jon Cuneo; [sraiter@larsonking.com](mailto:sraiter@larsonking.com); Evelyn Li; Taylor Asen  
**Cc:** Carome, Patrick; Donovan, David P; Griffith, Dyanne  
**Subject:** RE: ADP 30(b)(6) Notices

Vicky,

Here is a clean version.

To be clear, while we have used the notice to John Greene for illustrative purposes, we propose using this revised version with all of the ADPs, although the list of transactions in topic 17 will of course be different for each ADP.

Let us know if there is a time on Monday that you can discuss this.

Have a nice weekend.

Best regards,

Steve

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**From:** Vicky Romanenko [<mailto:Vicky@cuneolaw.com>]

**Sent:** Friday, November 13, 2015 4:03 PM

**To:** Cherry, Steven; [bherrington@barrettlawgroup.com](mailto:bherrington@barrettlawgroup.com); Don Barrett; Jon Cuneo; [sraiter@larsonking.com](mailto:sraiter@larsonking.com); Evelyn Li; Taylor Asen

**Cc:** Carome, Patrick; Donovan, David P; Griffith, Dyanne

**Subject:** RE: ADP 30(b)(6) Notices

Steve,

Thank you for sending. We will confer and circle back regarding next steps. Could you also send us a clean copy?

At the end of our call I also inquired if Defendants would agree to our request to extend the page length of our reply in support of our motion to modify by 3 pages, to 10. I understand that Defendants do not oppose this request. We appreciate your agreement.

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**From:** Cherry, Steven [<mailto:Steven.Cherry@wilmerhale.com>]

**Sent:** Friday, November 13, 2015 10:14 AM

**To:** Cherry, Steven; [bherrington@barrettlawgroup.com](mailto:bherrington@barrettlawgroup.com); Vicky Romanenko; Don Barrett; Jon Cuneo; [sraiter@larsonking.com](mailto:sraiter@larsonking.com); Evelyn Li; Taylor Asen

**Cc:** Carome, Patrick; Donovan, David P; Griffith, Dyanne

**Subject:** RE: ADP 30(b)(6) Notices

Counsel,

Attached is a redline of our John Greene 30(b)(6) notice that reflects Defendants' proposed revision to accommodate certain concerns and objections you raised during our meet and confer. Upon further review, we concluded that many topics were subsumed within others and that others were either duplicative or unnecessary. You will see that we have cut a number of topics and significantly limited and/or narrowed others. The remaining topics are ones that are necessary for Defendants to mount their defense.

We note that a number of your objections were based on prior rulings of the Special Master, specifically the October 16, 2014 Order (12-cv-00102, ECF No. 214). Because that Order applied only to document and data discovery and was in large part based on the burdensomeness of requests for production, we do not believe that it in anyway limits appropriate topics for deposition discovery. Moreover, in that Order, the Special Master specifically ruled that certain items—to which you object—are discoverable. For instance, he held that ADPs were required to produce documents containing information regarding "the value of any trade-in-allowance, and monetary incentives, discounts and rebates applied."

We are available on Monday for a meet and confer about any further objections you have to the notice, as revised. We would appreciate any specific counterproposals you have for any specific topics to which you continue to object.

Regards,

Steve

**Steven F. Cherry | WilmerHale**

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**From:** Griffith, Dyanne  
**Sent:** Monday, November 09, 2015 7:52 PM  
**To:** 'Brian K. Herrington'  
**Cc:** Vicky Romanenko; Don BarrettPA; Jonathan W. Cuneo; Shawn Raiter; Taylor Asen; Evelyn Li; Cherry, Steven; Carome, Patrick ([Patrick.Carome@wilmerhale.com](mailto:Patrick.Carome@wilmerhale.com)); Donovan, David P ([David.Donovan@wilmerhale.com](mailto:David.Donovan@wilmerhale.com))  
**Subject:** RE: ADP 30(b)(6) Notices

Brian,

Wednesday at 11 am eastern works for us. We can use the following dial-in:

Number: 800-227-6333  
Access Code: 5551234

We look forward to talking to you then.

Thanks,  
Dyanne

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**From:** Brian K. Herrington [<mailto:BHerrington@barrettlawgroup.com>]  
**Sent:** Monday, November 09, 2015 5:18 PM  
**To:** Griffith, Dyanne  
**Cc:** Vicky Romanenko; Don BarrettPA; Jonathan W. Cuneo; Shawn Raiter; Taylor Asen; Evelyn Li  
**Subject:** Re: ADP 30(b)(6) Notices

Dyanne,

I appreciate your getting back to me. ADPs have decided to stay with the current schedule. We'll file our objections and motion for protective order on November 19. The filing will include all the depositions noticed to date. Regarding the meet and confer, we propose Wednesday at 11am eastern. We're also available Thursday at 11am eastern, but prefer Wednesday. Let me know what works for you.

Thanks.

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Brian Herrington  
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PO Box 927  
Lexington, MS 39095  
662.834.7116  
[Bherrington@barrettlawgroup.com](mailto:Bherrington@barrettlawgroup.com)

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**From:** "Griffith, Dyanne" <[Dyanne.Griffith@wilmerhale.com](mailto:Dyanne.Griffith@wilmerhale.com)>  
**Date:** Friday, November 6, 2015 at 5:12 PM  
**To:** Brian Herrington <[bherrington@barrettlawgroup.com](mailto:bherrington@barrettlawgroup.com)>  
**Subject:** ADP 30(b)(6) Notices

Brian,

Yesterday, you asked if we would consent (1) to ADPs serving one objection or motion with respect to all the 30(b)(6) Notices, instead of individual filings; and (2) to an extension until November 23 to file any such objections or motion.

Defendants will consent to these requests, if plaintiffs agree to an expedited briefing schedule (as follows) and agree to jointly request an expedited decision from the Special Master on any motion and an expedited decision from Judge Battani on any objections to any order of the Special Master.

Briefing Schedule:

- 11/23 Objections/Motion Due
- 12/4 Response Due
- 12/8 Reply Due

Any objections to the Special Master's Order will be due within 10 days of his ruling, any response will be due 10 days later and any reply will be due 5 days later (without adding 3 days based on ECF/electronic service for any of these periods).

Further, can you provide dates and times next week when ADPs are available to meet and confer about any objections to the 30(b)(6) notices? We would like to avoid motions practice on this, if possible, or at least narrow the scope of any such motion to items in the notice with respect to which we cannot reach a compromise.

Thanks,  
Dyanne

**Dyanne Griffith | WilmerHale**  
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